

000000

UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner:	Zohreh A. FAY	Art Unit:	1612
Re:	Application of:		Robert F. KAIKO et al.
	Serial No.:		09/992,936
	Filed:		November 5, 2001
	For:		OPIOID AGONIST/OPIOID ANTAGONIST ACETAMINOPHEN COMBINATION
	Docket No.:		200.1102CP2

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

November 22, 2009

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.56**

Sir:

In accordance with Applicants' duty of disclosure under 37 C.F.R. § 1.56 and the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicants hereby make of record the documents listed on the accompanying Form PTO-1449 (1 page).

Applicants respectfully note that document AS is a copy of the COMPLAINT FOR DECLARATORY JUDGMENT ("Complaint") filed in the United States District Court for the Western District of Virginia by Alpharma Inc. on November 17, 2008, against Purdue Pharma L.P., the assignee of the present application. In counts IV of the Complaint, Alpharma Inc. alleges that each claim of U.S. Patent No. 6,375,957 is "invalid and/or unenforceable for failure to comply with the conditional requirements for patentability as set forth in Part II of Title 35 of the United States Code, including §§ 101, 102, 103, and 112." *See Complaint, page 19.* U.S. Patent No. 6,375,957 has the identical specifications as the present application.

In accordance with 37 C.F.R. § 1.98(a)(2), a copy of the Complaint is enclosed. If it is determined that the copy is missing, the Examiner is respectfully requested to contact the undersigned by telephone so that a duplicate copy may be forwarded.

It is respectfully requested that documents cited on the accompanying Form PTO-1449 (1 page) be considered in their entirety and made of record.

This Information Disclosure Statement is filed under 37 C.F.R. § 1.97(c), "before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application" and is accompanied by the authorization to charge the fee set forth in § 1.17(p) to our Deposit Account No. 50-0552. In the event any additional fee is due or an overpayment has been made in connection with the filing of this Information Disclosure Statement, the Commissioner is hereby authorized to charge said fee or credit said overpayment to our Deposit Account No. 50-0552.

Respectfully submitted,
DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 
Oleg Ioselevich, Reg. No. 56,963

Davidson, Davidson & Kappel, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736-1940